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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CAPITOL HILL SUPERMARKET, on
behalf of itself and all others similarly
situated,

Plaintiff,

v.

BUMBLE BEE FOODS LLC, TRI-
UNION SEAFOODS, LLC, and
STARKIST COMPANY,

Defendants.

Case No. 15-CV-1867-JLS-MDD

**JOINT MOTION TO EXTEND
DEFENDANTS' TIME TO
ANSWER, MOVE, OR
OTHERWISE RESPOND TO
PLAINTIFF'S COMPLAINT**

Judge: Janis L. Sammartino

Defendants Bumble Bee Foods, LLC, Tri-Union Seafoods, LLC, and
StarKist Co. (collectively, "Defendants"), together with Plaintiff Capitol Hill
Supermarket (and together with Defendants, the "parties"), jointly move the Court
for an extension of time for Defendants to move to dismiss, answer or otherwise
respond to the complaints in the above-captioned action (the "Complaints").

WHEREAS, Capitol Hill Supermarket filed a Complaint on August 24, 2015
and served Defendants on September 9, 2015;

WHEREAS, absent an extension of time, Defendants are due to answer,
move, or otherwise respond to the Complaint by September 30, 2015;

1 WHEREAS, to date, 31 civil actions alleging antitrust violations in
2 connection with the sale of packaged seafood products have been filed in federal
3 district courts throughout the United States, including this action (the “Related
4 Actions”);

5 WHEREAS, a motion was filed before the United States Judicial Panel on
6 Multidistrict Litigation (“JPML”), on August 28, 2015, seeking to transfer and
7 centralize the Related Actions in a single federal district court (“Motion”);

8 WHEREAS, responses to the Motion were due September 21, 2015, and the
9 JPML has not yet set the Motion for hearing;

10 WHEREAS, to economize both judicial and Party resources pending the
11 JPML’s decision on the Motion, the Parties believe and agree that Defendants’
12 time to move to dismiss, answer, or otherwise respond to Plaintiff’s Complaint
13 should be extended until after the JPML has ruled on the pending Motion, it has
14 been determined which court will preside over the Related Actions, and any
15 consolidated amended complaint has been filed;

16 ACCORDINGLY, the undersigned Parties, through their respective counsel
17 of record, hereby move as follows:

18 1. If the JPML transfers all Related Actions to a single district for
19 coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407, the
20 Defendants shall answer, move or otherwise respond to the then-operative
21 complaint no later than 60 days after: (a) service of a consolidated amended
22 complaint, or (b) service of written notice that plaintiff will not file a consolidated
23 amended complaint.

24 2. If the JPML does not transfer all Related Actions to a single district,
25 Defendants shall answer, move, or otherwise respond to the then-operative
26 complaint no later than 60 days after service of the JPML ruling.

27 3. The Parties further contend and agree that no defense is prejudiced or
28 waived by its submission of this Joint Motion.

1 4. If the Defendants agree to or are ordered to answer any complaint in any
2 Related Action on an earlier date than that specified in paragraph 1 above, the
3 Defendants shall answer the Complaint in this action on the same date.

4
5 Dated: Sept. 29, 2015

s/ Belinda S Lee

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Counsel for Defendant StarKist Co.

13
14 Dated: Sept. 29, 2015

s/ Edward D. Hassi

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*Counsel for Defendant Tri-Union Seafoods
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s/ Michael J. Flannery

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Counsel for Capitol Hill Supermarket

ECF CERTIFICATION

I, Belinda Lee, hereby certify that the content of this joint motion is acceptable to all parties who are required to sign this joint motion. Plaintiff's counsel has authorized Defendant StarKist to affix his CM/ECF electronic signature to this joint motion.

CERTIFICATE OF SERVICE

On September 29, 2015, I caused to be served the following document described as:

**JOINT MOTION TO EXTEND
DEFENDANTS' TIME TO ANSWER, MOVE, OR OTHERWISE
RESPOND TO PLAINTIFF'S COMPLAINT**

by serving a true copy of the above-described document via electronic mail to the following parties who have consented in writing to such form of service:

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6
7 I certify that on the 29th day of September 2015, I filed the foregoing notice
8 with the Clerk of the Court for the United States, Southern District of California by
9 using the Court's CM/ECF system, which will send notifications of such filing to
10 all counsel of record.

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